## ORIGINAL

## UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

SECURITIES AND EXCHANGE COMMISSION.

Plaintiff,

CIVIL ACTION NO. 05-10512-REK

v.

T. GENE GILMAN, STEVEN A. GILMAN, ARBOR SECURITIES, LTD., and FINANCIAL LINKS, INC.,

Defendants,

and

TRADETEK, LTD. and : COMMONWEALTH FINANCIAL HOLDINGS, INC. :

Relief Defendants.

SEC's APPLICATION TO THE CLERK FOR ENTRY OF DEFAULT AGAINST ALL
DEFENDANTS AND RELIEF DEFENDANTS AND NOTICE OF FILING OF
RETURNS OF SERVICE OF PROCESS ON T. GENE GILMAN, ARBOR
SECURITIES, LTD., FINANCIAL LINKS, INC., TRADETEK, LTD. AND
COMMONWEALTH FINANCIAL HOLDINGS, INC.

The Securities and Exchange Commission ("Commission"), plaintiff in the above-referenced matter, hereby applies to the Clerk of the Court pursuant to Rule 55(a) of the Federal Rules of Civil Procedure for entries of default against defendants T. Gene Gilman ("Gilman"), Steven A. Gilman ("S. Gilman"), Arbor Securities, Ltd. ("Arbor Securities"), Financial Links, Inc. ("Financial Links") and against relief defendants TradeTek, Ltd. ("TradeTek") and Commonwealth Financial Holdings, Inc. ("Commonwealth"). Entry of default is sought against these parties for failure to plead or otherwise defend as provided by Rule 55(a).

In support of this application for entry of default against S. Gilman, the plaintiff previously filed the return of service of process on S. Gilman. Further, in support of this application for entry of default against all other defendants and relief defendants, the Commission has attached hereto, and incorporated herein by reference, five (5) "Returns of Service," which are executed on the reverse of summonses to Gilman, Arbor Securities, Financial Links, TradeTek and Commonwealth. Each return of service indicates that the parties were personally served by service on Gilman (who controls all of the entities) on May 25, 2005 at his seasonal home located at 133 Kennedy Memorial Drive, Waterville, Maine, by process server Kevin Surette. In addition, Mr. Surette has executed (and had notarized) individual affidavits, for Gilman and the four (4) entities which similarly set for that service on all remaining defendants was accomplished on May 25, 2005 by personal service on Gilman at his home in Maine.

S. Gilman's answer was due to be filed not later than April 11, 2005. Gilman and the four entities were obligated to file answers to the complaint not later than June 14, 2005. None of the six party defendants have filed an answer as required by the federal rules. Since the defendants have not timely filed responses to the pleading, and have not sought extensions, these entries of default are now appropriate.

Under Rule 55(a) of the Federal Rules of Civil Procedure, the Clerk of Court is instructed to enter a default against a defendant who "has failed to plead or otherwise defend as provided by the rules," when a failure to defend is made to appear by affidavit or otherwise. Indeed, the purpose of Rule 55(a) is to relieve the district judge of the obligation of reviewing applications for the entry of default. 6 James W. Moore et al.

<sup>&</sup>lt;sup>1</sup> The affidavit which establishes that S. Gilman was served on March 22, 2005 with the summons and complaint in this matter (in San Francisco, CA, by server Jacob Sider), was itself filed with this Court on April 27, 2005 and is now part of the record in this case.

Moore's Federal Practice ¶ 55.03[1] n.16 (2d ed. 1992). Thus, the power to enter default is given to the Clerk. Based therefore on the declaration of Jacob Sider as to service on S. Gilman, and the attached five (5) declarations and affidavits of Kevin Surette as to service on Gilman and the four entities, and the authority specifically granted to the Clerk by Rule 55(a), the Commission respectfully requests the Clerk enter defaults against defendants Gilman, S. Gilman, Arbor Securities, Financial Links and against relief defendants TradeTek and Commonwealth forthwith.

Respectfully submitted,

Page 3 of 18

Edward G/Sullivan

Senior Trial Counsel

Georgia Bar No. 691140

Counsel for Plaintiff SECURITIES AND EXCHANGE COMMISSION 3475 Lenox Road, N.E., Suite 1000 Atlanta, Georgia 30326 Telephone: (404) 842-7612

#### **CERTIFICATE OF SERVICE**

I hereby certify that the foregoing SEC's NOTICE OF FILING OF RETURN OF SERVICE ON STEVEN A. GILMAN, AND STATUS REPORT OF ONGOING SERVICE EFFORTS ON GENE GILMAN AND FOUR COMPANIES was served by United States first-class mail this 16<sup>th</sup> day of June, 2005, upon the following:

T. Gene Gilman Arbor Securities, Ltd. Financial Links, Inc. TradeTek, Ltd. Commonwealth Financial Holdings, Inc. 133 Kennedy Memorial Drive Waterville, Maine 04901

T. Gene Gilman Arbor Securities, Ltd. Financial Links, Inc. TradeTek, Ltd. Commonwealth Financial Holdings, Inc. 11 Morse Road Newton, Massachusetts 02460

Steven A. Gilman 67 Ford Street San Francisco, California 94114

Georgia Bar No. 691140

Counsel for Plaintiff Securities and Exchange Commission 3475 Lenox Road, N.E., Suite 1000 Atlanta, Georgia 30326 (404) 842-7612

	<b>≥</b> AO 440 (	Rev. 8	(01)	Summons	in a	Civil	Action
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District of

Securities and Exchange Commission

SUMMONS IN A CIVIL ACTION

T. Gene Gilman, Steven A. Gilman, Arbor Securities, Ltd., and Financial Links, Inc., Defendants, and Tradetek, Ltd., and Commonwealth Financial Holdings, Inc., Relief Defendants

CASE NUMBER:

TO: (Name and address of Defendant)

05 10512 RIV

T. Gene Gilman 11 Morse Road Newton, Massachusetts 02460

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Edward G. Sullivan Securities and Exchange Commission 3475 Lenox Road, N.E. Suite 1000 Atlanta, Georgia 30326

> an answer to the complaint which is served on you with this summons, within \_\_\_\_\_\_20\_ of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.



3-17-05

DATE

	US Di	strict Court		
	(NA	ME OF COURT)		
SEC	VS Gilman Arbor F	Fin. Links Trade Tek Comm	Fin. 05 10512	REK
PLAINTIFF/PETITIONER		NDANT/RESPONDENT	CAS	E NUMBER
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Service: I served		MON NO ENTITY BEING SERVED	)	· · · · · · · · · · · · · · · · · · ·
with (list documents) Summo	ons & Complaint			
by leaving withT. Gene Gilm	an AME	RELATIONSHIP		At
☐ Residence 133 Kennedy I		Waterville Maine	9	
■ Business	DDRESS	CITY / ST/		
AI	DDRESS	CITY / ST/	ATE	
On 05/25/2005	A			
DATE		TIME		
Thereafter copies of the docum	ents were mailed by pr	epaid, first class mail o	n	
from			DAT	E
CITY	STATE	ZIP		
☐ Personal: By personally deling Substituted at Residence: It served with a member of the horal Substituted at Business: By the person apparently in charge ☐ Posting: By posting copies in	By leaving copies at the busehold over the age of y leaving, during office thereof.	e dwelling house or usu of and explai hours, copies at the off	ining the general na ice of the person/en	ture of the papers. tity being served with
Non-Service: After due search unable to effect process upon t				
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Service Attempts: Service was	s attempted on: (1)	DATE TIME	(2) DATE	TIME
(3)	(4)	(	5)	
DATE TIME	DATE	TIME	DATE	TIME
Description: Age 57 Sex	<u>И</u> Race <u>C</u> Height	6Ft Weight 190	Hair G Beard	Glasses
SUBSCRIBED AND SWORN to	before me this $31$	day of May	SIGNATURE OF PRO	CESS SERVER
		1	My Lann SIGNATURE OF NOT.	ARY PUBLIC
		NOTARY PUBL	17	ane



UNITED STAT	TES DISTRICT COURT
	District of Massachusetts
Securities and Exchange Commission  V. T. Gene Gilman, Steven A. Gilman, Arbor Securities, Ltd., and Financial Links, Inc. Defendants, and Trade ek, Ltd., and Commonwealth Financial Holdings, Inc., Relief Defendants	SUMMONS IN A CIVIL ACTION  CASE NUMBER:
TO: (Name and address of Defendant)	05 10012 NEX
Arbor Securities, Ltd. c/o T. Gene Gilman 11 Morse Road Newton, MA 02460	Arbor Securities, Ltd. 200 Reservoir Street Needham Heights, MA 02494
YOU ARE HEREBY SUMMONED and requ	uired to serve on PLAINTIFF'S ATTORNEY (name and address)
Edward G. Sullivan Securities and Exchange Commission 3475 Lenox Road, N.E. Suite 1000 Atlanta, Georgia 30326	
	ce. If you fail to do so, judgment by default will be taken against you er that you serve on the parties to this action must be filed with the
CLERR (By) DERUT CL. RE	3-17-05 DATE

NAO 440 (Rev. 8/01) Summons in a Civil Action	π		
	RETURN O	F SERVICE	
Service of the Summons and complaint was	made by me <sup>(1)</sup>	25/05	
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☐ Left copies thereof at the defer discretion then residing therein	ı.		I suitable age and
Name of person with whom the	summons and complaint wer	re left:	
☐ Returned unexecuted:			
☐ Other (specify):			
	STATEMENT OF	F SERVICE FEES	
TRAVEL	SERVICES		TOTAL \$0.00
	DECLARATIO	N OF SERVER	
Executed on Date	signature of Server  Address of Server	M	ME
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(1) As to who may serve a summons see Rule 4 of	use rederal Rules of Civil Procedu	ire.	

	JS District Court
	(NAME OF COURT)
SEC VS Gilman	Arbor Fin. Links Trade Tek Comm Fin. 05 10512 REK
PLAINTIFF/PETITIONER	DEFENDANT/RESPONDENT CASE NUMBER
I Kevin J Surette, CPP , being fi	rst duly sworn, depose and say: that I am over the age of 18 years and
not a party to this action, and that within the boun	ndaries of the state where service was effected, I was authorized by law to
/slambo	H 1TD
Service: I served / VI DVI	DEDCON LENGTH DEING CEDVED
	PERSON / ENTITY BEING SERVED
with (list documents) Summons & Complain	nt
by leaving withT. Gene Gilman	At
NAME FI Booldonoo 122 Konnody Momerial Drive	RELATIONSHIP
Residence 133 Kennedy Memorial Drive  ADDRESS	Waterville Maine CITY / STATE
☐ Business	
ADDRESS	CITY / STATE
On05/25/2005	AT 10:00 AM EST
DATE	TIME
Thereafter copies of the documents were mailed	by prepaid, first class mail on
from	DATE
CITY STATE	ZIP
served with a member of the household over the Substituted at Business: By leaving, during the person apparently in charge thereof.  Posting: By posting copies in a conspicuous respective. After due search, careful inquiry a unable to effect process upon the person/entity left unknown at Address  Moved, Left no Forwardi Address Does Not Exist Other	at the dwelling house or usual place of abode of the person being age of and explaining the general nature of the papers. office hours, copies at the office of the person/entity being served with manner to the front door of the person/entity being served.  and diligent attempts at the address(es) listed above, I have been being served because of the following reason(s):  In Service Cancelled by Litigant Unable to Serve in Timely Fashion
Service Attempts: Service was attempted on: (	1)(2) DATE TIME DATE TIME
(3)(4)	(5)
DATE TIME	DATE TIME DATE TIME
Description: Age 57 Sex M Race C H	leight_6FtWeight_190_/HairBeardGlasses
SUBSCRIBED AND SWORN to before me this	July Lannean USIGNATURE OF NOTARY PUBLIC
NAPPS	NOTARY PUBLIC for the state of Maine



UNITED ST	ATES DISTRICT COURT
	District of Massachusetts
Securities and Exchange Commission	SUMMONS IN A CIVIL ACTION
T. Gene Gilman, Steven A. Gilman, Arbor Securities, Ltd., and Financial Links, In Defendants, and Tradetek, Ltd., and Commonwealth Financia Holdings, Inc., Relief Defendants	O LORDATH INCh
	05 10512 REK
TO: (Name and address of Defendant)	
Financial Links, Inc. c/o T. Gene Gilman Il Morse Road Newton, MA 02460	Financial Links, Inc. 200 Reservoir Street Needham Heights, MA 02494
YOU ARE HEREBY SUMMONED and a	required to serve on PLAINTIFF'S ATTORNEY (name and address)
Edward G. Sullivan Securities and Exchange Commission 3475 Lenox Road, N.E. Suite 1000 Atlanta, Georgia 30326	
	rvice. If you fail to do so, judgment by default will be taken against yo swer that you serve on the parties to this action must be filed with the

DATE



AO 440 (Rev. 8/01) Summons in a Civil Action	
R	ETURN OF SERVICE
Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE TOS
NAME OF SERVER (PRINT). SUPER	Process Sym
Check one box below to indicate appropriate method	l of service
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discretion then residing therein.	house or usual place of abode with a person of suitable age and
Name of person with whom the summons and	complaint were left:
☐ Returned unexecuted:	
☐ Other (specify):	
STAT	EMENT OF SERVICE FEES
TRAVEL SERVICES	TOTAL \$0.00
DEC	CLARATION OF SERVER
Executed on Date Sig	the laws of the United States of America that the foregoing information of Service Fees is true and correct.  Mature of Server  AU Day 1/6 Literally ME USS 2  Adverse of Server

US District Court	
(NAME OF COURT)	_
SEC VS Gilman Arbor Fin. Links Trade Tek Comm Fin. 05 10512 REK  PLAINTIFF/PETITIONER DEFENDANT/RESPONDENT CASE NUMBER	_
I_Kevin J Surette, CPP, being first duly sworn, depose and say: that I am over the age of 18 year	s and
not a party to this action, and that within the boundaries of the state where service was effected, I was authorized to perform said service.	y law to
Service: I served Thomas LIMS INC	
NAME OF PERSON ENTITY BEING SERVED	
with (list documents) Summons & Complaint	
by leaving withT. Gene GilmanAt	
NAME RELATIONSHIP  Residence 133 Kennedy Memorial Drive Waterville Maine	
ADDRESS CITY/STATE	_
□ Business	
ADDRESS CITY/STATE	
On 05/25/2005 AT 10:00 AM EST	
DATE TIME	
Thereafter copies of the documents were mailed by prepaid, first class mail on	_
from	
CITY STATE ZIP	
Manner of Service:  ☐ Personal: By personally delivering copies to the person being served.  ☐ Substituted at Residence: By leaving copies at the dwelling house or usual place of abode of the person be served with a member of the household over the age of and explaining the general nature of the pap ☐ Substituted at Business: By leaving, during office hours, copies at the office of the person/entity being served the person apparently in charge thereof.  ☐ Posting: By posting copies in a conspicuous manner to the front door of the person/entity being served.	ers.
<b>Non-Service:</b> After due search, careful inquiry and diligent attempts at the address(es) listed above, I have been unable to effect process upon the person/entity being served because of the following reason(s):	n
☐ Unknown at Address ☐ Moved, Left no Forwarding ☐ Service Cancelled by Litigant ☐ Unable to Serve in Timely Fa ☐ Address Does Not Exist ☐ Other	shion
Service Attempts: Service was attempted on: (1)(2)	
(3)   (4)   (5)   (5)	
DATE TIME DATE TIME DATE	_
Description: Age 57 Sex M Race C Height 6Ft Weight 190 Hair G Beard Glasses	_
SUBSCRIBED AND SWORN to before me this 31 day of May , 2006.  SIGNATURE OF PROCESS SERVER  SIGNATURE OF NOTARY PUBLIC	
NATUS  NOTARY PUBLIC for the state of Maint	



### UNITED STATES DISTRICT COURT

District of	Massachusetts
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Securities and Exchange Commission

#### SUMMONS IN A CIVIL ACTION

T. Gene Gilman, Steven A. Gilman, Arbor Securities, Ltd., and Financial Links, Inc., Defendants, and Tradetek, Ltd., and Commonwealth Financial Holdings, Inc., Relief Defendants

CASE NUMBER:

# 05 10512 REK

TO: (Name and address of Defendant)

Trade ek, Ltd. c/o T. Gene Gilman 11 Morse Road Newton, MA 02460

t Trad

Traderek, Ltd. 200 Reservoir Street Needham Heights, MA 02494

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Edward G. Sullivan Securities and Exchange Commission 3475 Lenox Road, N.E. Suite 1000 Atlanta, Georgia 30326

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.



3-17-05

DATE

AO 440 (Rev. 8/01) Summons in a Civil Action RETURN OF SERVICE 5/25/05 Service of the Summons and complaint was made by me<sup>(1)</sup> NAME OF SERVER (PRINT) Check one box below to indicate appropriate method of service Served personally upon the defendant. Place where served: 133 Kennerry Menurus Drive working MK ☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: ☐ Returned unexecuted: ☐ Other (specify): STATEMENT OF SERVICE FEES TRAVEL SERVICES TOTAL \$0.00 DECLARATION OF SERVER I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct. Executed on PUBOP 116 LICHTUME MSOU

	US District	Court	
	(NAME OF	COURT)	
SEC VS	Gilman Arbor Fin, Lin	ks Trade Tek Comm Fin.	05 10512 REK
PLAINTIFF/PETITIONER		/RESPONDENT	CASE NUMBER
Kevin J Surette, CPP	, being first duly swo	rn, depose and say: tha	it I am over the age of 18 years and
not a party to this action, and that wit	hin the boundaries of th	e state where service wa	s effected, I was authorized by law to
perform said service.	Jeux L	inter	
Service: I served		7/11/20	
	NAME OF PERSON / EN	TITY BEING SERVED	
with (list documents) Summons &	k Complaint		
by leaving with		RELATIONSHIP	At
☐ Residence 133 Kennedy Mem	orial Drive	Waterville Maine	
ADDRES		CITY / STATE	
□ Business ADDRES		CITY / STATE	
On 05/25/2005	AT	10:00 AM EST	
Thereafter copies of the documents	were mailed by prepaid	, first class mail on	DATE
from			DATE
CITY ST	ATE Z	IP .	
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Personal: By personally delivering	a copies to the person l	peing served.	
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□ Substituted at Business: By leav	ing during office hours	copies at the office of	the person/entity being served with
the person apparently in charge ther		, copies at the emes en	are percentacy semigled to the time.
□ Posting: By posting copies in a co		ne front door of the pers	son/entity being served.
Non-Service: After due search, care unable to effect process upon the pe			
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Service Attempts: Service was atte	mpted on: (1)		2)
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		TIME	DATE
Description: Age 57 Sex M F	≀ace <u>C</u> Height <u>6Ft</u>	Weight <u>190 /</u> Ha/r_/	G Beard Glasses
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	ih	SIGN	ATURE OF PROCESS SERVER
SUBSCRIBED AND SWORN to before	ore me this 31 5 th	ay of May	_, 2005.
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		Hu. >	
		July 2	ATURE OF NOTARY PUBLIC
madula Jadapin			. 1
NAPS		NOTARY PUBLIC for th	e state of   QIAC



<b>⊗</b> AO 440	(Rev.	8/01	Summons	in a	Civil	Action

### UNITED STATES DISTRICT COURT

District of Massachusetts

Securities and Exchange Commission

SUMMONS IN A CIVIL ACTION

T. Gene Gilman, Steven A. Gilman, Arbor Securities, Ltd., and Financial Links, Inc., Defendants, and Trade ek, Ltd., and Commonwealth Financial Holdings, Inc., Relief Defendants

CASE NUMBER:

## 05 10512 REK

TO: (Name and address of Defendant)

Commonwealth Financial Holdings, Inc. c/o T. Gene Gilman 11 Morse Road Newton, MA 02460

Commonwealth Financial Holdings, Inc. OR 200 Reservoir Street Needham Heights, MA 02494

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Edward G. Sullivan Securities and Exchange Commission 3475 Lenox Road, N.E. Suite 1000 Atlanta, Georgia 30326

> an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.



SAO 440 (Rev. 8/01) Summons in a Civil Action						
RETURN OF SERVICE						
Service of the Summons and complaint was made by me <sup>(1)</sup> DA	5/25/05					
	LE Process Scrver					
Check one box below to indicate appropriate method of service						
	e served: Moupe prime, womenule, ME.					
<ul> <li>Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.</li> </ul>						
Name of person with whom the summons and com	plaint were left:					
☐ Returned unexecuted: ☐ Other (specify):	<b>(</b> C)					
STATEM	ENT OF SERVICE FEES					
TRAVEL SERVICES	TOTAL \$0.00					
DECL	ARATION OF SERVER					
Executed on Signature    Signature	Revice Fees is true and correct.  The of Server  Rev 116 LTCHINE ME 04350  Tof Server					
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en e		<b>US District</b>	Court			
		(NAME C	F COURT)			
SEC PLAINTIFF/PETITIONER	VS Gilma	n Arbor Fin. Li	nks Trade Te	05 10512 R	REK NUMBER	
Nevin J Surette, CPP not a party to this action, and perform said service.	that within the bo	first duly sw undaries of th	orn, depose ne state who	e and say: that ere service was	t I am over the a s effected, I was	ige of 18 years and authorized by law to
Co	MANWOUT	FILL	anes 1	HOI WILL	<b>10</b>	
Service: I served	NAME O	F PERSON / EI	NTITY BEING	HOLDIN	<i>Y</i>	
with (list documents) Sum	mons & Compla	int				
by leaving withT. Gene G						At
☑ Residence 133 Kenned		<u> </u>	Waterville			
☐ Business	ADDRESS		C	ITY / STATE		
Dusiness	ADDRESS	·		ITY / STATE		
On 05/25/2005		AT	10:00 AM	1 EST		
DATE		^'		IME		
Thereafter copies of the doc	uments were mail	ed by prepai	d first class	s mail on		
	arrond word man	ou o, propur	u, or o.u.o.	- Man	DATE	
from	STATE		ZIP			
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the person apparently in cha	arge thereof.	_				
□ Posting: By posting copie	s in a conspicuous	s manner to	the front do	or of the pers	on/entity being	served.
Non-Service: After due sea unable to effect process upo						e, I have been
☐ Unknown at Address ☐ M☐ Address Does Not Exist ☐ C	oved, Left no Forwar	rding 🗆 Se	rvice Cancel	led by Litigant	☐ Unable to Serv	ve in Timely Fashion
Service Attempts: Service	was attempted on:	(1)	7	(2	2)	TIME
(0)	(4)			(E)		
DATE TIM	(4)	DATE	TIME	(5)	DATE	TIME
Description: Age 57 Se	M Bass C	Holabt 6Ft	Weight	180 Hair	Beart	Glasses
Description: Age_orSe	x w Race O	_Height_ort	vveignt	<del>- /20                                   </del>	T Dear	_Glasses
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SUBSCRIBED AND SWOR	N to before me thi	s 31st	day of	May !	2005.	100 OLIVEIV
				1.	$\mathcal{L}$	
			-	SIGN	ATURE OF NOTAF	RY PUBLIC
Address Addres				•	•4	ine.
NAPP5			NOTA	RY PUBLIC for the	e state of	11/1-

